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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 04/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/867,607	INOUE ET AL.	
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/10/04 have been fully considered but they are not persuasive as to claims 1-5.

For claims 1-5, the applicant argues that the Aotake reference fails to disclose “displaying selectable candidates for a number of imaging pixels and image compression rates... on a setting screen for setting an image quality”, because the Table of Figure 10 disclosed in the Aotake reference is not a “setting screen”. It should be noted that the Aotake reference clearly discloses in Figure 8, a setting screen (321) display all setting information fields in a two-dimensional arrangement, the field (327) is displayed for the “compression rates” and the field (331) is displayed and includes a number of imaging pixels (See page 29, 16-45). The Table of Figure 10 shows all options of settings for user to select a number of imaging pixels (e.g., 320x240, 352x240, 160x112 or 112x180 pixels) and image compression rates (e.g., High, Normal, Long or Network). For those reasons, the Aotake reference discloses “displaying selectable candidates for a number of imaging pixels and image compression rates in a two-dimensional arrangement on a setting screen for setting an image quality” as recited in claim 1.

2. Applicant's arguments with respect to claims 6-10 filed on 11/10/04 have been considered but are moot in view of the new ground(s) of rejection. Since a new ground of rejection is being applied against the unamended claim 6, this action is not made final.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake U.S. Patent 6,411,771 in view of Magai et al. J.P. Publication 09-168109.

Referring to claim 1, the Aotake reference discloses in Figure 10, an image quality selecting method, comprising the steps of: displaying selectable candidates for a number of imaging pixels and image compression rates in a two-dimensional arrangement (in Figure 8, a setting screen 321 display all setting information fields in a two-dimensional arrangement, the field 327 is displayed for the “compression rates” and the field 331 is displayed and includes a number of imaging pixels, see page 29, 16-45. The Table of Figure 10 shows all options of settings for user to select a number of imaging pixels and image compression rates) on a setting screen for setting an image quality (recording mode set is displayed, see Col. 29, lines 37-44); presenting to a user combinations of selectable number of imaging pixels (such as 320x240, 352x240, 160x112 or 112x180) and the image compression rates (High, Normal, Long or Network). However, the reference does not explicitly to show a detail for select recording quality mode by moving a cursor on the setting screen.

The Magai reference discloses in Figures 3-5, the camera setting data files shown in a list on a two-dimensional display (108), and selected by a cursor on the setting screen (See

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Abstract, Solution Section). The Magai reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system using instruction key to move a cursor on the setting screen so that the camera setting mode or data can be quickly and easily selected by user. For that reason, it would have been obvious to see the camera system receiving an instruction for moving a cursor on the setting screen; and changing a setting to the number of pixels and the image compression rate which are pointed by the cursor after designating a position of the cursor disclosed by Aotake.

Referring to claim 4, the Aotake and Magai references disclose all subject matter as discussed in respected claim 1, and the Magai reference disclose the camera setting data which have been set in a previous setting is stored; and wherein camera setting data is changed by key operation part (107), the cursor automatically moves to a position of the other of camera setting data in the previous setting according to the stored information (i.e., camera setting 3 move to camera setting 2 as showing in Figure 4a-B).

Referring to claim 5, the Aotake and Magai references disclose all subject matter as discussed in respected claim 1, and the Magai reference disclose camera setting data is changed by key operation part (107), the cursor automatically moves to a position of the other of camera setting data in a predetermined default (i.e., camera setting template mode as shown in Figure 6).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake U.S.

Patent 6,411,771 in view of Magai et al. J.P. Publication 09-168109 and Mizoguchi U.S.

Patent 6,407,772.

Referring to claims 2-3, the Aotake and Magai references disclose all subject matter as discussed in respected claim 1, except that the references do not explicitly show the remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen.

The Mizoguchi reference discloses in Figure 2-6, the digital camera can record still images or moving images, the remaining number of images or a remaining time is displayed on the setting screen according to the image quality recording mode selected (See Col. 3, lines 51-67). The Mizoguchi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system be able to display the remaining number images for recording still images and remaining time for recording moving image so that the user can easily to see the capacity of recording device without need separate storages for still images and moving images. For that reason, it would have been obvious to see the remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen in accordance with the number of imaging pixels and image compression rate which are selected with the cursor disclosed by Aotake.

6. Claims 6 and 9-10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. U.S. Patent 6,337,928 in view of Magai et al. J.P. Publication 09-168109. (It should be noted that the Takahashi reference has been cited in the last PTO-892 mailed on 8/12/04).

Referring to claim 6, the Takahashi reference discloses in Figures 1 and 7, a single digital camera integrates the taking lens (101), imaging device (102) that converts light which enters

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through said taking lens into electric signals (see Col. 5, lines 57-61); signal processing part (105) for processing the signal outputted from said imaging device; a recording instruction (control circuit 106) input operation part that instructs start of recording in order to obtain an image; a recording device (memory 107) that records an image in a storage medium (See col. 5, lines 62-67 and Col. 6, lines 15-22), the image being photographed in response to an operation of said recording instruction input operation part and a display device (EVF 112 for displaying an image and image pickup information, See col. 3, lines 4-6) that displays a setting screen for setting an image quality as shown in Figure 7; a display control device that displays selectable candidates for number of imaging pixels and image compression rates on the setting screen of said display device, and presenting combinations of selectable numbers of pixels and compression rate (the number of pixels and compression rate are set in various manners by operating slide switches 705 to 710, See Col. 6, lines 46-53). However, the reference does not explicitly to show a detail for select recording quality mode by moving a cursor on the setting screen.

The Magai reference discloses in Figures 3-5, the camera setting data files shown in a list on a two-dimensional display (108), and selected by a cursor on the setting screen (See Abstract, Solution Section). The Magai reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system using instruction key to move a cursor on the setting screen so that the camera setting mode or data can be quickly and easily selected by user. For that reason, it would have been obvious to see the camera system receiving an instruction for moving a cursor on the setting screen; and changing a setting to

the number of pixels and the image compression rate which are pointed by the cursor after designating a position of the cursor disclosed by Takahashi.

Referring to claim 9, the Takahashi and Magai references disclose all subject matter as discussed in respected to claim 6, and the Magai reference disclose the camera setting data which have been set in a previous setting is stored; and wherein camera setting data is changed by key operation part (107), the cursor automatically moves to a position of the other of camera setting data in the previous setting according to the stored information (i.e., camera setting 3 move to camera setting 2 as showing in Figure 4a-B).

Referring to claim 10, the Takahashi and Magai references disclose all subject matter as discussed in respected claim 6, and the Magai reference disclose camera setting data is changed by key operation part (107), the cursor automatically moves to a position of the other of camera setting data in a predetermined default (i.e., camera setting template mode as shown in Figure 6).

Referring to claim 14, the Takahashi and Magai references disclose all subject matter as discussed in respected to same comments with claim 6.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. U.S. Patent 6,337,928 in view of Magai et al. J.P. Publication 09-168109 and Mizoguchi U.S. Patent 6,407,772.

Referring to claim 7, the Takahashi and Magai references disclose all subject matter as discussed in respected claim 6, except that the references do not explicitly show the



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remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen.

The Mizoguchi reference discloses in Figure 2-6, the digital camera can record still images or moving images, a calculation device (CPU 14) that calculating at least one of the number of photographable images and a remaining time for recording a moving image from capacity of said storage medium with respect to recording mode set the remaining number of images or a remaining time is displayed on the setting screen according to the image quality recording mode selected (See Col. 3, lines 51-67). The Mizoguchi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system be able to display the remaining number images for recording still images and remaining time for recording moving image so that the user can easily to see the capacity of recording device without need separate storages for still images and moving images. For that reason, it would have been obvious to see the remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen in accordance with the number of imaging pixels and image compression rate which are selected with the cursor disclosed by Takahashi.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. U.S. Patent 6,337,928 in view of Magai et al. J.P. Publication 09-168109, Mizoguchi U.S. Patent 6,407,772 and Akazuka J.P. 62252583. (It should be noted that the Akazuka reference has been cited in the last PTO-892 mailed on 8/12/04).

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Referring to claim 8, the Takahashi, Magai and Mizoguchi references disclose all subject matter as discussed in respected claims 6-7, except the references do not explicitly show a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen.

The Akazuka reference teaches in Figure 1 and Table 1 (in page 6), a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen; and the remaining capacity for recording a moving image for the combination is displayed in each cell of the table on the display part (6) (See pages 3-5). The Akazuka reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image system be able to display a table to show both image compression rate and number of imaging pixels has been selected on the selected screen so that user can see what kind size of image will be produced more easily and estimate remained capability of storage in the camera quickly. For that reason, it would have been obvious to see the camera system be able to display a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen by Takahashi.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake U.S. Patent 6,411,771 in view of Magai et al. J.P. Publication 09-168109 and Takahashi et al. U.S. Patent 6,337,928.

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Referring to claim 11, the Aotake and Magai references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly show the number of imaging pixels and the image compression rates are changed independently.

The Takahashi reference discloses in Figures 1 and 7, a single digital camera integrates the taking lens (101), imaging device (102) that converts light which enters through said taking lens into electric signals (see Col. 5, lines 57-61); in Figure 7, the number of pixels and compression rate are changed independently by operating slide switches 705 to 710 (See Col. 6, lines 46-53). The Takahashi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image system be able to show the number of imaging pixels and the image compression rates are changed independently so that providing more choice for setting image quality for the user. For that reason, it would have been obvious one of ordinary skill in the art at the time to modify the system of Aotake for providing the number of imaging pixels and the image compression rates are changed independently as taught by Takahashi.

10. Claims 12-13 and 18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake U.S. Patent 6,411,771 in view of Magai et al. J.P. Publication 09-168109 and Akazuka J.P. 62252583.

Referring to claims 12-13, the Aotake and Magai references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly show the system can either the number of candidates for the number of imaging pixels will depend upon the image

compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected.

The Akazuka reference teaches in Figure 1 and Table 1 (in page 6), a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen (See pages 3-5); and the system can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected (e.g., when the fields in the table selected horizontally form left to right), or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected (e.g., when the fields in the table selected vertically form top to bottom). The Akazuka reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image system be able to either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected, so that providing more flexible choices for setting image quality for the user. For that reason, it would have been obvious one of ordinary skill in the art at the time to modify the system of Aotake for providing can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected as taught by Akazuka.

Referring to claim 18, the Aotake, Magai and Akazuka references disclose all subject matter as discussed in respected claim 12, and the Akazuka reference discloses wherein row

headings of the table correspond to selectable image compression rates (e.g., vertically lined up as a row correspond to image compression rates) and column heading of the table correspond to image pixel quantities (e.g., horizontally lined up as a column correspond to image pixel quantities).

Referring to claim 19, the Aotake, Magai and Akazuka references disclose all subject matter as discussed in respected claim 12, and the Akazuka reference discloses wherein row headings of the table correspond to selectable image pixel quantities (e.g., horizontally lined up as a row correspond to image compression rates) and column heading of the table correspond to selectable image compression rates (e.g., vertically lined up as a column correspond to image pixel quantities).

11. Claims 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. U.S. Patent 6,337,928 in view of Magai et al. J.P. Publication 09-168109 and Akazuka J.P. 62252583.

Referring to claims 15-17, the Takahashi and Magai references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly show the system including a table having the selectable options that can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected.

The Akazuka reference teaches in Figure 1 and Table 1 (in page 6), a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image

compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen (See pages 3-5); and the system can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected (e.g., when the fields in the table selected horizontally form left to right), or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected (e.g., when the fields in the table selected vertically form top to bottom). The Akazuka reference is evidence that one of ordinary skill in the art at the time to see more advantages for the image system be able to either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected, so that providing more flexible choices for setting image quality for the user. For that reason, it would have been obvious one of ordinary skill in the art at the time to modify the system of Takahashi for providing a table having the selectable options that can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected, or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected as taught by Akazuka.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aotake U.S. Patent 6,411,771 in view of Magai et al. J.P. Publication 09-168109 and Akazuka J.P. 62252583 and Mizoguchi U.S. Patent 6,407,772.

Referring to claim 20, the Aotake, Magai and Akazuka references disclose all subject matter as discussed in respected claim 12, except that the references do not explicitly show

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the remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen.

The Mizoguchi reference discloses in Figure 2-6, the digital camera can record still images or moving images, a calculation device (CPU 14) that calculating at least one of the number of photographable images and a remaining time for recording a moving image from capacity of said storage medium with respect to recording mode set the remaining number of images or a remaining time is displayed on the setting screen according to the image quality recording mode selected (See Col. 3, lines 51-67). The Mizoguchi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the camera system be able to display the remaining number images for recording still images and remaining time for recording moving image so that the user can easily to see the capacity of recording device without need separate storages for still images and moving images. For that reason, it would have been obvious one of ordinary skill in the art to see the remaining number of images for recording still images or a remaining time for recording a moving images are displayed on the setting screen in accordance with the number of imaging pixels and image compression rate which are selected with the cursor disclosed by Aotake.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye  
April 8, 2005

  
TUAN HO  
PRIMARY EXAMINER